TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

BEFORE THE JOINT STANDING COMMITTEE ON INLAND FISHERIES AND WILDLIFE

IN OPPOSITION TO L.D. 601

LD TITLE: AN ACT TO REQUIRE THAT CERTAIN CHANGES IN CONSERVATION LAW NOT BE MADE BY RULE

SPONSORED BY: Representative SHAW of Standish
Co-Sponsored By: Senator SAVIELLO of Franklin, Representatives BLACK of Wilton, DAVIS of Sangerville, FREDETTE of Newport, SAUCIER of Presque Isle, THERIAULT of Madawaska, TIMBERLAKE of Turner, TYLER of Windham, WOOD of Sabattus

DATE OF HEARING: April 25, 2013

Good afternoon Senator Dutremble, Representative Shaw and Members of the Inland Fisheries and Wildlife Committee. I am Andrea Erskine, Deputy Commissioner at the Department of Inland Fisheries and Wildlife, speaking in opposition to **L.D. 601**.

This bill proposes to prohibit the Department from adopting or amending rules that affect or change the public use of a fishery or body of water. This bill, if enacted, could pose significant difficulties for the Department's fisheries management programs, as well as the public's ability to petition the agency for changes to fishing regulations.

Title 5 (Administrative Procedures Act) provides that the public can petition a state agency to amend, adopt, or repeal regulations promulgated by the agency. The Department receives many public petition requests for rule changes each year and holds public hearings on these requests.

The bill does not propose an alternative to the current authority granted to the Department so we assume that this duty would be handled through the legislative process. If that were the case, a fiscal note must be considered as the agency annually takes an average of 200 proposals out to the public for their input through a series of public hearings. The bill also speaks to the public's use (in general) of a body of water and it is not clear if the intent here is to regulate surface use, public access, or some other general public use of the water body.

I would be glad to answer any questions at this time or during the work session.